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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/671,761	09/26/2000	BRADLEY S. MASTERS	K35A0657	4727
26332	7590	06/07/2005	EXAMINER	
WESTERN DIGITAL CORP. 20511 LAKE FOREST DRIVE C205 - INTELLECTUAL PROPERTY DEPARTMENT LAKE FOREST, CA 92630			DUGGINS, ALICIA M	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/671,761

Applicant(s)

MASTERS ET AL.

Examiner

Alicia M. Duggins

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments see p.7 I.14 – p.8 I.5 filed 10/22/2004, with respect to the rejection(s) of claim(s) 1-16 under 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Lawler (5758259).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Lawler (US5758259).

Regarding claim 1, Lawler shows a method of generating a menu representing a viewing sequence of display contents during a viewer's viewing session comprising:

- recording a first plurality of display contents using a preference engine to select the content to be recorded in fig.5 where a method of identifying predetermined characteristics is disclosed (col.5 ll.51-65)

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- selectively recording a second plurality of display contents upon a viewer selecting the contents to be recorded is shown in fig. 3c where the viewer is able to select content to be recorded (col.4 ll.45-49)
- defining a viewing session (col.4 ll.45-49)
- defining a third plurality of display contents based upon available broadcast display contents during a viewing session is shown in fig.3c (col.5 ll.20-30)

displaying a menu of viewing choices where the menu comprises at least one of the first, second or third plurality of display contents is shown in fig. 3c (col.5 l.20 –col.6 l.20)

Regarding claim 2, Lawler shows in fig. 3c, a time guide (100) including a timing panel (106), which list blocks of time, which can include a viewing session for 4 hours (col.5 ll.20-30).

Regarding claim 3, Lawler shows a viewing session of a predetermined time as determined by the user (col.4 ll.43-57)

Regarding claim 4, it is shown in fig. 3c that a viewer can select from viewing choices to define a viewing sequence for display on display where a display window (96) is displayed on the menu display (100)

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Regarding claims 5 and 16, Lawler shows the automatic changing of channels where there is a choice between two shows scheduled at the same time and the channel is automatically changed to the show with the highest user preference (col.8 l.63 –col.9 l.18)

Regarding claim 6, the analysis of viewing sequence for conflicts is disclosed by Lawler (col.8 l.63 –col.9 l.18)

Regarding claim 7 in the case of irresolvable conflicts, Lawler discloses that the viewer can select a desired program (col.9 ll.23-26)

Regarding claims 8,10 and 15 Lawler shows the analyzing and filling in time gaps using the preference engine where the central node retrieves user preferences and retrieves suitable programming at various times (col.8 ll.51-55)

Regarding claim 9 Lawler shows that the network (14) in fig.1 carries communication between the station controllers and control node, which can be used to determine if a local source for a video display is connected (col.3 ll.52-62)

Regarding claim 11, content information being displayed as a fourth plurality to the menu of viewing choices is shown in fig. 3b as a program summary panel (94) whereby the content of the chosen program is displayed

Regarding claim 12, Lawler shows a video system comprising:

An input and output port configured to receive display contents is shown in fig.1 where interactive controllers (20) transmit digital information to and receive digital information from central control nodes (12) (col.3 ll. 48-52)

A storage device is shown as a central node (12) where all information is stored (col.3 ll.48-52)

A management module to define a third plurality of display contents based upon broadcast display and contents and a user profile is shown as an IT system (10) in fig.5 (col.5 l.52- col.6 l.21)

Regarding claim 13, Lawler shows a set-top box as an interactive station controller (20) in fig.1 (col.3 ll.33-35) connected to the input port via a network (14)

Regarding claim 14, Lawler discusses the preference engine, management module and storage device comprising a personal video recorder where each viewer has its own preference database (abstract)


### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Duggins whose telephone number is (571) 272-7376. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMD  
5/12/2005

  
James J. Groody  
Supervisory Patent Examiner  
Art Unit 2616